Rajwant Singh & Ors.vs. State of Rajasthan & Ors.

DB CIVIL SPL.APPEAL (W) No.04/2005

Date of Order: 11.01.05

HON'BLE THE ACTG.CHIEF JUSTICE MR.Y.R.MEENA
HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.B.S.Sandhu for the appellant/s.
Mr.C.S.Kotwani for the respondents.

BY THE COURT:(PER HON.MR.Y.R.MEENA,ACTG.C.J.)-

The grievance of the petitioner in this petition is that without following the process for change of boundaries of the Ward, that has been done. In para 4 of the reply it is stated that there is no change in boundary of any ward and, therefore, there is no question of challenge to change of boundary. Para 4 of the reply reads as under:-

> "4. That otherwise also, the instant matter is misconceived as the petitioners themselves relied on the delimitation made in 1994 Annex.1 annexed with the writ petition and it is most respectfully submitted that the wards have not been changed and they are still the same as per the delimitation of the

> 1994 and as such raising a voice against the change of ward is again misconceived and mischievous just in order to get undue favour for a particular candidate for the post of Panch and Sarpanch. Hence also, the instant writ petition is also liable to be dismissed on this ground alone."

Learned Single Judge also found that there is no question of change of any boundary of the Wards. Some of the voters' names have been shown in another Ward in the final voter list. If any individual has any grievance that his name has wrongly been shown in some other Ward he should have raised some objection when the list was published for inviting objections. The observation of the learned Single Judge reads as under:-

> " It appears that some of the voters' names have been changed from one Ward to another Ward in the final voter list published on 31.10.2004 which is being treated by the petitioners as change in the boundaries of the wards itself. Be that as it may. The petitioners should have challenged the voter list by filing the appeal and no factual inquiry can be held in writ jurisdiction to decide the location of the petitioners' houses and the actual

residents."

In view of these facts, no interference in called for in this appeal. The appeal stands dismissed.

(GOVIND MATHUR),J. **(Y.R.MEENA),ACTG.C.J.**

L.George